THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION NO.6614 OF 1997

DATE: 10th JULY 2006

Between:

1. Swatanatra Lift Irrigation Society,
   rep. by its President D.Venkateswarlu,
   son of Raghavaiah, aged 61 years,
   resident of Karamchedu, Prakasam
   District and 3 others.

.... Petitioners.

Ande

1. District Collector and Chairman,
   District Rural Development Agency,
   Prakasam District at Ongole and another.

.... Respondents.

* * *

ORDER:

This writ petition is filed seeking a writ of Mandamus, declaring action of the respondents in sanctioning a new lift irrigation scheme for taking water from Paruchur Vagu either near the bed regulator or any where along the bank from the bed regulator to the points of installation of petitioners lift pump sets or executing any work in pursuance of the impugned proceedings dated 22.1.1997, as arbitrary and illegal.

2. It is the case of the petitioners that the petitioners are the Presidents of different lift irrigation societies. The members of the societies are all ryots owning agricultural lands in Karamchedu

and Parchur Mandals of Prakasam District. Kommamuru canal is the main irrigation channel under which there were large tracts of wet irrigation. The water in the said canal was not found to be sufficient and adequate to meet the needs of the ayakatdars for raising crops. Therefore, it became regular feature that even the seedling beds could not be raised in time; plantation was not being effected in the season, with the result, even the growth of Paddy crop was being affected. Therefore, they made their own arrangement by forming into groups for lifting water from other natural sources. There is a stream called Paruchuru vagu in which most of the water wasted into sea. The members of the petitioners' societies are lifting water by pump sets at different points. While so, the respondents are proposing for formation of lift irrigation scheme under the impugned proceedings dated 22.01.1997.

3. No counter is filed. While admitting the writ petition on 01.4.1997, this Court directed the respondents to desist from sanctioning and installing any new lift pump sets to lift any water from Paruchuru Vagu to new areas in pursuance of proceedings dated 22.01.1997 pending writ petition. Pursuant to the said interim order, the impugned order has not given effect to.

4. Under those circumstances, the writ petition is disposed of directing the respondents not to give effect to the new lift irrigation scheme without putting the petitioners on notice and hearing them personally, if necessary in this regard. No costs.

C.V.RAMULU, J.

Date: 10th July 2006.
BSB